

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF ELECTRICIANS
1511 Pontiac Avenue
Building 70 – 2nd Floor Conference Room
Cranston, RI 02920**

WEDNESDAY, MARCH 15, 2006

**In attendance: William Lepore, Chairperson
Allen Durand
Ronald Racine
Frank Benell**

William Lepore, Chairperson, called the meeting to order at 9:30 a.m.

Mr. Lepore asked if everyone had an opportunity to review the minutes of the Wednesday, February 15, 2006, and they had. Frank Benell made a motion to approve the minutes as submitted. Ron Racine seconded the motion. All members voted in favor.

The next item on the agenda is appeal hearings. There is one (1) appeal hearing scheduled today pertaining to five (5) violations, for which there is a court reporter.

HEARINGS:

The first appeal hearing on the agenda pertains to violation #2534/Mr. Michael McSheffrey, Relco (Reilly Electrical Contractors). Mr. Michael McSheffrey, Mr. Patrick Luther and Mr. Robert Raimbeault were sworn in by the court reporter.

Mr. Dusablon read the first violation notice. On October 19, 2005 Mr. Michael McSheffrey (AC 00218) d/b/a Relco, performed electrical work at Rhode Island College, Providence, RI without an electrical permit with the State of Rhode Island. This is a violation of RIGL 5-6-25 "Compliance with City, Town or State". This is Relco's third offense.

Mr. McSheffrey was represented today by his attorney, Mr. Girard R. Visconti. Mr. Visconti expressed his belief that the RI Department of Labor & Training has no authority to assess a Cease and Desist Order and penalty. Mr. Visconti believes the Department can issue a violation, and the company violated would be entitled to a hearing prior to penalties being assessed.

Mr. McSheffrey stated that he went on the internet back in early October, 2005, and it did not mention the need for a state permit. On October 19, 2005 Patrick Luther was visiting the Rhode Island College jobsite, and witnessed employees of Relco operating hoisting equipment in preparation for laying electrical conduit. No permit had been taken out on this job. Then on October 27, 2005, Mr. McSheffrey went to the City of Providence and tried to apply for a permit. He filled

out all the required paperwork, and someone in the back said that he had to get the permit from the State of Rhode Island. Mr. McSheffrey then went to the State of Rhode Island for a permit, and filled out all the required paperwork. On November 2, 2005 a Cease and Desist Order was issued for this violation of RIGL 5-6-25. At that time, Mr. McSheffrey checked the internet again and the requirement for a state permit was there. The website had not been updated on this legislative amendment at the time the alleged violation had occurred. Shortly after he

filled out the permit application with the state of Rhode Island, Mr. Raimbeault went to the jobsite on an investigation. Mr. McSheffrey never got a permit issued from the state of Rhode Island.

With regard to violation #2546 which occurred on October 19, 2006, Mr. Racine made a motion that based on the testimony and evidence recorded a finding of fact was made that there was in fact work going on at the Rhode Island College jobsite. Furthermore, no permit had been issued by the State of Rhode Island on this job in violation of RIGL 5-6-25 "Compliance with rules and regulations of state, city or town". It is therefore, Mr. Racine's recommendation to the Director of Labor & Training, that the fine of \$950 be upheld. Mr. Allen Durand seconded the motion. All members voted in favor.

The next four (4) appeals pertain to Mr. Michael McSheffrey (violation #2546), Mr. Rob

Rutledge (violation #2547), Mr. John Brewer (violation #2548), and Mr.

Ray Bombardier
(violation #2549),

Mr. Dusablon read all violation notices pertaining to the alleged violations on October 27, 2005. Mr. McSheffrey (AC 00218) d/b/a Relco Co. had three (3) unlicensed employees (Ray Bombardier, Rob Rutledge and John Brewer) performing electrical work at Rhode Island College, Providence, RI without Rhode Island electrical licenses. Said work was performed without an electrical permit with the State of Rhode Island. Mr. Robert Raimbeault, State Electrical Inspector, submitted the complaint. This is Relco's fourth offense.

When Mr. Raimbeault made his investigation on October 27, 2005, Relco still had no permit issued by the State of Rhode Island. Mr. Raimbeault arrived at the soccer field at Rhode Island College and witnessed four (4) men holding electrical conduit over their heads pulling it into the ground. Mr. Raimbeault asked if they had licenses and the three (3) individuals noted above said they did not. One (1) of the individuals, Mr. Mark Gilligan, stated that he did have a license, and presented it to Mr. Raimbeault for inspection. The electrical conduit being placed in the ground was actually non-metallic electrical conduit with no electrical conductors inside it. The next step in the installation process is to pull the electrical conductors through the electrical raceway. This is a standard electrical procedure.

Mr. McSheffrey stated that Mr. Rob Rutledge is an apprentice electrician registered in Massachusetts. Mr. Rutledge was registered in Rhode Island as an apprentice, however, he let his apprentice card expire and they were in the process of having it renewed. He should have just been dropping off materials that day. Mr. John Brewer was the project manager on this jobsite. He is out of the Cape Cod Office. Mr. McSheffrey stated that he was told by Mr. Brewer when Mr. Raimbeault came onto the jobsite, he had his open hand on the pipe checking to make sure it was still vibrating. Mr. Ray Bombardier should have been operating the hoisting equipment to dig the trenches for the electrical conduit to be laid in. Mr. McSheffrey said Mr. Gilligan and Mr. Paul Szlachcwsk were also on the jobsite, and are licensed in Rhode Island.

Mr. Visconti also brought to the Board's attention that the Cease and Desist order cites violations of RIGL 5-6-32. That section addresses the Director of Labor & Training's authority to assess a penalty, and does not apply to these alleged violations. Upon further discussion, Department Legal Counsel, Valentino Lombardi concurred with Mr. Visconti and this section of the Cease and Desist Order will be removed.

Mr. Visconti also feels that the pulling of electrical conduit with no conductors inside is not electrical work, and therefore should not be a violation of the electrical law (RIGL 5-6). That electrical conductors will someday be put into the electrical conduit does not give the

Department the ability to fine Relco for performing electrical work on the dates noted in the Cease and Desist Orders.

In addition, Relco did not continue to work on the Rhode Island College jobsite after Mr. Raimbeault's investigation of the job. The contractor got someone else to do the job. Mr. McSheffrey stated that Relco did approximately 3% of the work as of October 27, 2005.

Mr. Visconti on behalf of Mr. McSheffrey is asking the Board for consideration to dismiss the fines assessed to him for the three (3) employees who allegedly performed electrical work, because those individuals were also cited separately for the alleged violations.

Mr. Durand made a motion that based on the testimony and evidence recorded a finding of fact was made that Relco performed work on October 27, 2005 without an electrical permit issued by the State of Rhode Island. A further finding of fact was made that three (3) employees of Relco (Mr. Rob Rutledge, Mr. John Brewer and Mr. Ray Bombardier) did perform electrical work without a valid Rhode Island electrical license. For the above reasons, Mr. Durand further motions that all fines issued in violation #2546, #2547, #2548 and #2549 be upheld. Mr. Benell seconded the motion. All members voted in favor.

This concluded the hearings.

The next order of business is election of officers. Mr. Durand made a motion to recommend Mr. William Lepore as Chairperson for another 12-month period. Mr. Racine seconded the motion. All members voted in favor.

Mr. Durand made a motion to recommend Stanley Davies as Secretary for another 12-month period. Mr. Benell seconded the motion. All members voted in favor.

Mr. Dusablon stated that he has a couple of exam reviews and requested volunteers. Mr. Lepore said he would stay to do the reviews.

Mr. Durand made a motion to adjourn at 11:10 a.m. Mr. Benell seconded the motion. All members voted in favor.

The next meeting of the Board of Examiners of Electricians is scheduled for Wednesday, April 19, 2006 at 9:30 a.m. in Building 70, Department of Labor & Training, second floor conference room, Cranston, RI 02920.